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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,835	07/10/2003	Stephane Sanschagrin	086165-0304762	8747

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EXAMINER

VASUDEVA, AJAY

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 01/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/615,835	SANSCHAGRIN ET AL.	
	Examiner	Art Unit	
	Ajay Vasudeva	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7/12/2003 6) ☐ Other:

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) filed 7/10/2003 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Only the initialed references of the IDS have been considered. All remaining listings of a foreign patent, a patent abstract, or non-patent literature have been crossed out because copies of the same have not been provided.

Claim Objections

2. Claim 13 is objected to because of the following informalities.
- On line 1, change "**outboard engine assembly**" to – **cowling** --.
- Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1, 2, 6 and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Schulte.

Schulte shows an outboard engine assembly [12], generally as claimed, comprising a cowling [18] enclosing an engine, and an electroluminescent light source [32] removably mounted on the cowling with one of the fasteners and adhesive (see col. 4, line 59). A rechargeable power source is provided to power the light source (col. 3, lines 53-55).

Although Schulte does not show the cowling having an independent upper cover structure that is removably mounted to mate with a lower cover structure, the cowling can be designated as an upper cover portion and a lower cover portion. The electroluminescent light source is mounted on the lower cover portion.

5. Claims 1, 3, 6-9, 11-13, 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kiekhaefer ('563).

Kiekhaefer ('563) shows an outboard engine assembly [10], generally as claimed, comprising a cowling with an upper cover and a lower cover (fig. 3), and an electroluminescent light source [18] removably mounted on the cowling. The light source comprises a lamp and includes a bendable handle [24] (see fig. 3).

6. Claims 1, 3, 6-10, 12, 13, 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Cribbs.

Cribbs shows an outboard engine assembly [12], generally as claimed, comprising a cowling enclosing an engine, and an electroluminescent light source [16] having a lamp that is removably mounted on the cowling. A battery [42], which is a rechargeable power source, is provided to power the light source (fig. 2).

The battery is considered lamp's own power source because it provides all the required power to the lamp, even though the battery is not dedicated to exclusively power the light sources.

7. Claims 3-5 and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Accordino.

Accordino shows a cowling (figure 7), generally as claimed, comprising an upper cover [46] to surround at least a part of an engine, a lower cover that mates with the upper cover, and an electroluminescent light source [12] having a lamp that is removably mounted on the lower cover (see fig. 4). The light source sticks to a metallic surface by magnetic attraction, and is therefore considered a sticker.

Applicant may specifically note that any structure that encloses an engine – such as used in automobiles, aircraft, boats, lawn mowers or vacuum cleaners -- is considered a cowling.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Redding, Whipple (D '575), Wengler, Hersom, Grissom, Huffman, Whipple, Anderson, Johannes, Altimus, Shute, Smihal, Kiekhaefer ('650), and Tulowiecki show light sources for outboard motors.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (703) 306-5992. The examiner can normally be reached on Monday-Friday 1:00 pm--5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ajay Vasudeva
Examiner
Art Unit 3617


AV


S. JOSEPH MORANO
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